

Nicholas Bart Ellis  
K-116024.  
P.O. Box 7500  
Crescent city, California  
95532 .% Pelican Bay State Prison

**FILED**  
SEP - 2 2008  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
For the  
NORTHERN DISTRICT OF CALIFORNIA

Nicholas Bart Ellis  
(Plaintiff)

VS.

SGT. A. Navarro Et. Al...  
(Defendant(s))

Case No. C-07-05126 S.B.A (PR)  
Plaintiff's request for "Process of  
and Service of Summons" Remain  
under Submission.

1. Jurisdiction. This Court has Jurisdiction over the subject matter in the Motion, because it arises under the laws of the United States.
2. Venue. Venue is appropriate in the Court, because all of the Parties reside in this district, and the acts and omissions giving rise to this law suit occurred in this district.
3. Pursuant to Civil Local Rule 7-13, when any motion or matter has been before the Court, under Submission for more than 120 days, a party may file, Pursuant to Civil L.R. 5-1, a motion, "notice that the matter remains under Submission."
4. Pursuant to Civil L.R. 6-1 (b) and 6-2 (A) and 6-3, the Plaintiff Requests the Matter of Process of Service of Summons, Remain under Submission. By way of this Motion.

5. The Plaintiff herein Request the Matter's of Process and Service of summons. Remains under Submission. In allowing Process and Service of summons by the United State's Marshal.

6. Plaintiff has Submitted the appropriate Summons. Filed August 18 2008. and Request for Process and Service of Compliant and Summons filed July 28, 2008.

7. Plaintiff has been Granted IN FORMA PAUPERIS STATUS. Dated May 6 2008.

8. Plaintiff's request is within the Authority of the Court. Per. Civil L.R. 7-13, Civil L.R. 6-1, 6-2 and 6-3. Civil L.R. 5-1.

9. Previous time Modification. Plaintiff Request for extention of time, Payment of Initial Partial filing fee. Filed May 28, 2008.

10. All current or futurely Scheduled hearings or proceeding's would be extended by the amount of time, needed to execute Process and Service of Summons.

11. The Court's failure to grant this request, would allow Prejudice dismissal of the claim's. When no violation of Federal or Local Rule's have be violated.

I declare under Penalty of Perjury that the foregoing is true and correct. Executed at:

Pelican Bay state Prison

P.O. Box 7500

Crescent City, California - 95532-

Dated August 20, 2008

Nicholas Bart Ellis

(Plaintiff's Printed name)

Nicholas Bart Ellis

(Plaintiff's Signature)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

Proof of Service

1. I am a resident of the County of DEL NORTE, CALIFORNIA  
I am over the age of Eighteen years old and a Party to the within  
Cause of action

2. My address is: P.O. Box 7500, Crescent City, California, 95532  
% Pelican Bay State Prison.

3. On August 20, 2008, I served the within:  
Plaintiff's Request for Process and Service and Service of Summons "Remain  
Under Submission".

By placing the original and two copies in a sealed envelope  
addressed as follows:

OFFICE OF THE CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
1301 CLAY STREET, 400 S. TOWER  
OAKLAND CALIFORNIA, 94612-5212

4. I declare under Penalty of Perjury that the foregoing is true  
and correct. Executed at: Pelican Bay State Prison, P.O. Box 7500,  
Crescent City, California, 95532.

Nicholas Bart Ellis  
(Plaintiff Printed name)

Nicholas Bart Ellis  
(Plaintiff's signature)

1 of 1

P: \PRO-SE\ S.B.A\CR.07\ELLIS 5126  
Plaintiff's request for "Process and Service and  
Service of Summons" Remain Under Submission"  
"Proof of Service"